

**CITY OF DAPHNE  
ORDINANCE 2003-17**

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**AN ORDINANCE TO ESTABLISH POLICIES FOR  
MARDI GRAS PARADES**

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**WHEREAS**, the City of Daphne desires to allow Mardi Gras mystic societies the opportunity to parade in Daphne, Alabama; and

**WHEREAS**, the City of Daphne wishes to ensure that parades are conducted in a manner that is safe to all persons involved in the parade and to the public; and

**WHEREAS**, the City of Daphne desires to promote the health, safety and welfare of the Citizens of the City of Daphne and their guests by ensuring that all parade activities occur in an orderly manner;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:**

**SECTION ONE: PERMIT**

That all Mardi Gras mystic societies shall be allowed to parade on the streets of the city after properly acquiring a parade permit from the Daphne City Clerk's office. Permits shall be obtained at least thirty (30) days prior to the date of the parade. Liability insurance of at least \$2,000,000 shall be obtained by the Mardi Gras mystic society and proof thereof must be submitted to the City Clerk before the permit will be issued. The City of Daphne shall be named and covered by said insurance as a co-insured against any liability for personal injury, death and / or property damage. A copy thereof shall be attached to the permit and given to the City of Daphne Finance Director. A parade fee of \$1,750 per parade shall be charged for each permit. The Mayor, where good cause is shown therefor, shall have the authority to consider any application under the provisions of this ordinance which is filed less than thirty (30) days before the date such parade is proposed to be conducted.

**SECTION TWO: COORDINATOR**

That each Mardi Gras mystic society shall designate a parade coordinator who will maintain contact with the City of Daphne's designated coordinator of activities prior to, during and after each parade. It shall be the duty of the coordinator to instruct all floats or units not keeping pace or causing problems with the normal progression of the parade to pull out of the parade.

**SECTION THREE: PARADE ROUTE**

That the Daphne Police Department, in coordination with the Daphne Public Works Director, shall establish the parade route and the time for the parade to commence and end. "No Parking on Parade Route" signs shall be placed along the parade route. Barricades shall be placed along the parade route as the Daphne Police Department deems necessary for public safety and protection.

**SECTION FOUR: MASKERS**

That all maskers shall be assigned a position on the float and shall not move about the float unless necessary for sanitary or emergency purposes. All maskers shall leave their floats within 30 minutes after their float completes the parade route. It shall be unlawful for any masker or any person involved in the parade to present the public display of alcohol consumption during the period of time beginning one (1) hour prior to the commencement of a Mardi Gras parade and ending one (1) hour after the end of such parade.

**SECTION FIVE: FLOATS**

(a) No float or other vehicle, self propelled or otherwise, exceeding sixteen (16) feet in height above the center of any public street shall be permitted to be a part of any parade to be conducted within the city. All floats must have at least one (1) 5 lb. fire extinguisher for each float level. Each float must be accompanied by at least two off-duty police officers, Sheriff's Deputies or other security personnel and shall be coordinated with and approved by the Daphne Chief of Police to walk along each side of the float to keep spectators away from the floats. The off-duty officers shall wear a reflector type safety vest. No alcohol, coolers, ice chests or containers containing alcohol shall be allowed on or in any float or vehicle involved in the parade. Each float shall have a sanitary device for collection and disposal of human waste.

(b) Each parading Mardi Gras mystic society shall submit to the city's designated coordinator a diagram of each float. The diagram shall contain and the name and location of each masker or person on that float and shall indicate the name of the float captain and co-captain. A copy of this diagram, not smaller than eleven inches in height and eight and one-half inches in width, shall be affixed to the rear of the float and shall be clearly visible. Each float shall also have affixed thereto a sign on each side, not smaller than two feet in height and two feet in width, indicating the number of the float.

(c) Upon completion of the parade, each float shall be cleaned and all trash removed therefrom. All trash shall be placed in a proper trash receptacle. No float shall be allowed to leave the designated area of the Daphne Civic Center until all trash is removed and placed in a proper trash receptacle. Organizations failing to properly clean a float, the surrounding area or failing to place trash in a proper receptacle shall be fined five-hundred dollars (\$500.00). Each float shall constitute a separate offense.

**SECTION SIX:                   THROWS**

**A.** Throws shall be limited to the following:

**1. Trinkets**

- a. Doubloons (plastic, wood, or aluminum).
- b. Beads (no glass beads allowed).
- c. Plastic air inflated items such as frogs, hand grenades, billy clubs, cigars, toothbrushes, etc.
- d. Soft stuffed toys.
- e. Frisbees, coasters, and skimmer rings (8" or less).
- f. Empty plastic cups.
- g. Stemmed roses.
- h. Clothing items approved by the Mardi Gras organization such as caps, garters, sun visors, etc.
- i. Serpentine.

**2. Candies / Foodstuffs**

- a. Any type of soft candy wrapped in plastic or twist wrapper.
- b. Bubble gum must be twist wrapped.
- c. Peanut butter and taffy kisses.
- d. Peanuts, popcorn, crackers and crackerjacks must be in bags.

**3. Moon Pies**

- a. All moon pies made in the United States and single plastic foil wrapped. This includes Party Pies, Oatmeal, Doughnuts, and other similar type cakes.

**B. The following throws are strictly prohibited:**

1. Trinkets
  - a. Rubber balls or other hard type balls.
  - b. Hard or heavy bean bags.
  - c. Glass products of any type.
2. Moon pies
  - a. Moon pies made outside the United States.
3. Candies / Foodstuffs
  - a. Candies or foodstuffs in pasteboard boxes of any type.
  - b. Kool pops.
  - c. Candy apples.
  - d. Bubble gum that is not twist wrapped.
  - e. Candy canes or stick candies.
  - f. Frozen candy bars or any of the above listed allowable foodstuffs frozen.

**C. The handing of throws directly from the floats is strictly prohibited.**

**SECTION SEVEN: ANIMALS**

That any animal used in the parade must wear an appropriate fitting diaper or other similar devise or be followed by cleanup personnel who shall remove all waste and excrement from the streets during the course of the parade. Cleanup personnel shall follow immediately behind all animals or grouping thereof and shall remove all waste and excrement to prevent same from being spread about the street. Any animal not properly fitted with a diaper or followed by cleanup personnel shall not be allowed to participate in the parade. Any organization found to be in violation of this section shall be fined two-hundred dollars (\$200.00) for each violation. Each animal not properly fitted with a diaper or followed by cleanup personnel shall constitute a separate offense.

**SECTION EIGHT: PUBLIC CONDUCT DURING PARADES**

(a) During the period of time beginning one (1) hour prior to the commencement of the Mardi Gras parade and ending one (1) hour after the end of the Mardi Gras parade, it shall be unlawful for any person to run upon or across any portion of the right-of-way, including, but not limited to, the sidewalk and neutral ground thereon, of any street being used as the route of a Mardi Gras Parade.

(b) It shall be unlawful for any person to unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating in or used in a parade. No driver of a vehicle of any type shall drive between the vehicles, floats, or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) It shall be unlawful for any person to carry or drink from any opened glass container in public at or near a Mardi Gras parade during the period of time beginning one (1) hour prior to the commencement of a Mardi Gras parade and ending one (1) hour after the end of such Mardi Gras parade.

**SECTION NINE: TRASH**

That all trash shall be kept on the float until the end of the parade. Maskers shall not throw trash from the float before or during the parade. Each masker shall be fined twenty-five dollars (\$25.00) for throwing trash from the float. Each instance shall constitute a separate offense.

**SECTION TEN: SEVERABILITY**

City of Daphne Ordinance number 2002-03 is hereby repealed in its entirety. If any article, section, sentence, clause or phrase in this Ordinance is, for any reason, held to be invalid or unconstitutional by declaration of any Court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

**SECTION ELEVEN: FINES AND PENALTIES**

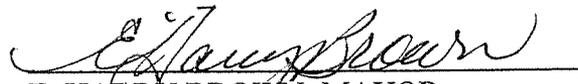
(a) Any person found to be in violation of any provision of this ordinance shall, unless otherwise provided herein, be subject to a fine of not less than one-hundred dollars (\$100) and not more than five-hundred dollars (\$500) for each violation or for a term of incarceration not more than three (3) months or both at the discretion of the municipal judge.

(b) Should fines, levied pursuant to the provisions of Section Five (c), Section Seven or Section Nine, not be satisfied by either the offending individual(s) or the mystic society for which the permit is issued, then said mystic society shall be prohibited from receiving a parade permit for the subsequent year.

SECTION TWELVE: EFFECTIVE DATE

That the provisions of this ordinance shall become effective upon the approval and publication as prescribed by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this 4th day of August, 2003.

  
E. HARRY BROWN, MAYOR

ATTEST:

  
DAVID L. COHEN, CITY CLERK, CMC

STATE OF ALABAMA    )  
COUNTY OF BALDWIN )

I, DAVID COHEN, CITY CLERK of the City of Daphne, Alabama, do hereby certify the foregoing to be a true and exact copy of an Ordinance approved and adopted by the City Council of the City of Daphne, Alabama, at its meeting held on the 4th day of August, 2003.

  
DAVID L. COHEN, CITY CLERK, CMC